

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

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LOUIS E. MCBRIDE,  
Plaintiff

V.

WOODS HOLE, MARTHA'S  
VINEYARD AND NANTUCKET  
STEAMSHIP AUTHORITY, and  
LAFLEUR CRANE SERVICE, INC.,  
Defendants

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Civil Action

No. 05-11664-GAO

JOINT MOTION TO CONTINUE MEDIATION

NOW COME the parties and state as follows:

The parties had mediation in this case on June 29 and July 31, and further mediation is scheduled for August 14 (tomorrow). At the latest mediation, Judge Bowler directed the Plaintiff to depose Lahey Clinic with respect to Lahey Clinic's \$206,000 bill for a spinal angiogram that health insurance has denied. At the deposition, Lahey Clinic defended its bill and did not concede that anything was amiss with the bill.

After the deposition, Plaintiff's counsel spoke with the deponent and asked if Lahey Clinic was interested in entering into a deal with Mr. McBride as part of a global settlement, in which Lahey Clinic releases Mr. McBride from any obligation to it, and Mr. McBride assigns it his right to pursue the health insurance company for payment of the bill. The deponent advised that such a decision was over her head, but that she would bring it to the attention of those persons above her who would be involved in that decision. She gave no guarantee that Lahey Clinic would be able to make such a decision by Tuesday, and said that they would call as soon as they decide what they want to do.

Mr. McBride cannot settle this case if and until the Lahey Clinic bill is resolved, and he no longer has that hanging over his head. Given that, all parties request that the mediation be continued to allow Lahey Clinic to come to a decision as to whether it can enter into an agreement with Mr. McBride.

The Plaintiff had originally intended to attempt to continue the mediation about 3 weeks, but, upon all counsel's review of their calendars, it turns out that the only date in which all counsel are available between now and the end of September is September 21. This is due to Mr. Berg being unavailable the last week in August due to a trial and vacation and Mr. Chiarello's involvement in 2 lengthy trials in this Court in September with other lawyers in Plaintiff's counsel's office.

WHEREFORE, the parties respectfully requests that the mediation currently scheduled for August 14, 2007, be continued until September 21, 2007, or another agreeable date in October.

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Attorney for LaFleur Crane Service, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg, Esq.  
David J. Berg, Esq.  
Latti & Anderson LLP  
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617-523-1000

Dated: August 13, 2007